

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDS SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** \_\_\_\_\_

DIOMINA ASTO,

Plaintiff,

-v-

THERESA R. BETTER and ROBERTO BETTER,

Defendants.

Case No. 07-CV-4787 (KMK)(GAY)

ORDER

KENNETH M. KARAS, District Judge:

On June 4, 2007, Defendants filed with this Court a notice of removal of an action originally brought by Plaintiff in the New York Supreme Court, Bronx County. Plaintiff's Complaint states a common law negligence claim in connection with an alleged personal injury to Plaintiff. The removal is premised on diversity jurisdiction under 28 U.S.C. § 1332.

On June 22, 2007, Plaintiff moved to remand the case to state court pursuant to 28 U.S.C. § 1447(c), alleging that there had been no "objectively reasonable demonstration of the minimum amount in controversy required to support the claim that this Court has diversity jurisdiction over the instant action." The case was reassigned to the undersigned on August 6, 2007.

This Court has reviewed the Parties' submissions, as well as the findings made by U.S. Magistrate Judge George A. Yanthis in his memorandum decision and order of October 2, 2007. The Court adopts that memorandum decision and order as its own. Accordingly, the motion to remand is denied with no costs or attorneys fees awarded.

The Clerk of Court is directed to terminate the pending motion (Docket No. 5).

SO ORDERED.

Dated: November 14, 2007  
White Plains, New York

  
KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE